

In Re Patent Application of
HOLLAND ET AL.
Serial No. 10/619,327
Filed: JULY 14, 2003

REMARKS

Claims 1-10 remain in the application. Claims 1-10 stand rejected.

The Examiner rejected claims 1-10 under 35 U.S.C. § 112, second paragraph as indefinite. The claim language as it exists is believed to be correct. In claim 1, line 10, the query message is transmitted from the first node to all other nodes. At line 15, there is a second node to which the call device is coupled, and that is the only node that transmits a reply message to the first node. In lines 19 and 20 of claim 1, when the reply message is received by the first node, which is also the recipient of the incoming call, the call is routed from the first node to the second node and the call is completed to the called device at the second node.

Accordingly, Applicants respectfully request reconsideration of the rejection under 35 U.S.C. § 112, second paragraph.

The Examiner rejected claims 1-3, 5-6 and 8-9 under 35 U.S.C. § 102 as anticipated by Oren et al.

To appropriately evaluate the claimed invention, it is important to understand the problem that is being solved. This is described on page 1 of the specification beginning line 9. In a restricted access network, the calling party need only dial a limited digit identification code or an extension (e.g., three or four digits) in order to be connected with a called physical resource (telephone) in the same or another office. Because members of such networks may move among various branch locations, they may be connected to different PBXs, in this example.

Conventionally, there was a global unified dialing plan containing information regarding each physical resource (e.g., telephone) including its location. In that way, calls originating at one PBX can identify every other station in the network.

As pointed out in paragraph [0003] beginning on page 2 of the specification, a unified dialing plan (call plan) has drawbacks. Resource node membership can be expected to change.

Since each node has a copy of the overall plan, any changes to a dialing plan at a node must be replicated in the dialing plan stored at every other node. Changes in the dialing plan may lead to out of date routing information while the changes are being propagated to all nodes resulting in misrouted calls, which leads to user frustration.

Number portability is another problem that conventional implementations have not addressed. When moving an extension between nodes, system support has been cumbersome since changes must be propagated to routing tables in other nodes. Moreover, having multiple copies of routing information creates a greater chance for errors. Moving an extension from one node to another is likely to cause routing problems, since each node may have invalid data until its local information has been updated.

Claim 1 is directed to a method of routing a call from a calling communication device at a first node to a called device at another node which comprises transmitting a query message from the first node to all other nodes of the network. The query message provokes the other nodes to check whether or not the called device is located at that node. If it is, the node at which the called device is located transmits a reply

message to the first node so indicating. The first node then routes the call to the second node where the call device is actually located. Claims 5 and 8 are even more specific in that they call for the first node to examine an associated call plan to determine if the called device is located at that node.

In claim 8, the first node determines that the called device is not there by examining its associated call plan and all the other nodes determine whether or not the called device is connected at their location by examining their respective call plans in response to receiving a query message from the first node. When a node determines that the call device is located at that node, it then transmits a reply message to first node which then routes the call to the node to which the call device is connected.

The Oren et al. reference discloses three embodiments. In the first, as shown in Figure 1, there is only a single node. Claim 1 requires a "node to be operative to service multiple telecommunication devices having an extension." That precludes the gateways 106 or the telephones 110A or the personal units 108 from being a node. Rather, in Figure 1, the only node is exchange 104.

Oren et al. shows two other embodiments, Figure 7 and Figure 8, both of which do disclose a plurality of nodes. In Figure 7, central unit 702A and central unit 702B are respective nodes. In Figure 8, the central unit 802 and central office 814 could be considered nodes.

When applying the Oren et al. reference to the claimed invention, the Examiner refers extensively to column 3 of the Oren et al. reference. However, the portions of column 3 applied by the Examiner against the claims refer only to Figure

1 of Oren et al. Thus, Figure 1 does not meet the limitation of the claims that there are a plurality of nodes "operative to service multiple telecommunication devices coupled to said respective node." Thus, in column 3, there is no second node. As noted above, neither the gateways, nor the personal devices of Oren et al. meet the terms of the claim as to what a node is. Thus, the Figure 1 discussion found in column 3 does not relate to the claimed invention.

However, Figure 7 and Figure 8 do have more than one node, as discussed above. However, they do not meet the terms of the claimed invention either.

Figure 7 of Oren et al. is discussed at column 6, lines 23-53. In that embodiment, a visitor to a second node registers upon arrival at the second node and the second node notifies the first node (the home node) to forward calls to the second node when calls come into the first node for the visitor for the second node.

This mode of operation is quite different from the claimed invention because no broadcast message is necessary when a call comes in for a visitor because the location information is already pre-registered at the home node. Therefore, the Figure 7 embodiment of Oren et al. does not meet the terms any of the independent claims.

The Figure 8 embodiment of Oren et al. is discussed at column 6, lines 54 through column 7, line 20. The embodiment of Oren et al. described there is a call forwarding ("redirect") system. If a user is going to the stadium to view a ball game, the user arranges to forward calls from the home system (first node - 800B) to the stadium system (second node - 800A). There is no sending of messages from a first node to

In Re Patent Application of
HOLLAND ET AL.
Serial No. 10/619,327
Filed: JULY 14, 2003

all other nodes (e.g., a second node) and, in response to receipt of a reply message by the first node, routing the call from the said first node to the second node as required by the claim language of claim 1, for example. All calls are automatically redirected from the first node 800B to the second node 800A at the stadium. There is no need for a message to be transmitted when a call is received at the home location.

Thus, the Oren et al. reference does not fairly meet the terms of the independent claims nor their dependent claims and thus no *prima facie* case of anticipation has been made out.

The Examiner rejected claims 4 and 7 under 35 U.S.C. § 103 and unpatentable over Oren et al. in view of Moriyama. Claims 4 and 7 each recite that each node is a "private branch exchange."

The Moriyama reference is directed to automatic call distributing techniques. Moriyama does show two PBXs. However, the purpose of Moriyama appears to be to arrange for distribution of calls across multiple PBXs when distributing an incoming call, such as a request for tickets or incoming calls to a customer service line. There is no question in Moriyama that the system knows where the phone is. The question is to which customer service representative, at a known phone extension, should I direct an incoming call. That is the call distribution function of Moriyama. Moriyama does not deal with the situation, at least as explained by the Examiner, in which the location of a particular phone is not known.

Further, the Examiner has failed to provide a rationale for a combination of Moriyama with Oren et al. Accordingly, the Examiner has failed to establish a *prima facie* case of obviousness of dependent claims 4 and 7.

In Re Patent Application of
HOLLAND ET AL.
Serial No. 10/619,327
Filed: JULY 14, 2003

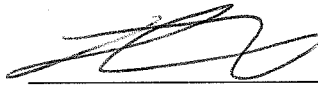
For the reasons indicated, the Examiner has failed to establish a *prima facie* case of either anticipation or obviousness of the claimed invention over the references applied by the Examiner.

Accordingly, Applicants respectfully request that the Examiner reconsider the rejections and withdraw them.

Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account No. 01-0484 and please credit any excess fees to such deposit account.

Respectfully submitted,



DAVID L. STEWART
Reg. No. 37,578

Customer No.: 27975

Telephone: (407) 841-2330

DATE: November 6, 2007